

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL COUSIN,

Plaintiff,

v.

Case No.

THE CITY OF ROCHESTER, JOSHUA WOODWARD,
ALEC KONRAD, JOHN SOURES, RYAN
CASTRACHINI, JOEL HASPER, "JOHN DOE POLICE
OFFICERS 1-20" (names and number of whom are
unknown at present), JTJ EAST INC doing business as
BRASS BAR & LOUNGE, PETER BANDULJ,

Monroe County
Index No. E2023005699

Defendants.

NOTICE OF REMOVAL

Defendants The City of Rochester, Alec Konrad, John Soures, Ryan Castrachini and Joel Hasper, by their attorney Linda S. Kingsley, Corporation Counsel, Patrick Naylor, Esq., of Counsel, file this Notice of Removal to the United States District Court for the Western District of New York, pursuant to 28 U.S.C. § 1441, based on the following grounds:

1. On May 31, 2023, plaintiff electronically filed a Summons and Complaint in the Supreme Court of New York, Monroe County, which was assigned Index No. E2022005699. Copies of the Summons and Complaint are attached to the Index as Exhibit A.

2. The Corporation Counsel represents the removing defendants, all employees or former employees of the City of Rochester. We do not represent named co-defendants "JTJ East, Inc. Brass Bar & Lounge, and Peter Bandulj." These co-defendants JTJ East Inc, Brass Bar & Lounge and Peter Bandulj have not appeared in the action nor has defendant Woodward, who upon information and belief has not been served. (An affidavit of substitute service at the Rochester Police Department has been filed, but Woodward is not an employee and hence he has not been served.)

3. The Complaint was served upon the City of Rochester Corporation Counsel's

Office on June 6, 2023. This Notice of Removal is filed within 30 days of receipt of the Summons and Complaint.

4. I have personally spoken with co-defendant Peter Bandujl as well as the President and major shareholder of JTJ East, Inc. They are awaiting representation in this matter. The Removing Defendants time to remove of 30 days from notice is set to expire prior to the time any such co-defendant is required to appear in the action. Accordingly, I advised MR. Bandujl and JTJ East, Inc. of my desire to remove the action to Federal Court and they both agreed and consented to my doing so. Accordingly, all defendants who have been served consent to the removal. The represented defendants filing this Notice of Removal likewise have been served with process and consent to the personal jurisdiction of this Court.

5. Plaintiff's suit is brought pursuant to 42 U.S.C. § 1983, alleging that defendants have deprived plaintiff of his federal rights secured by the United States Constitution.

6. This Court has original jurisdiction over plaintiff's lawsuit.

7. Plaintiff's civil action was filed in the Supreme Court, Monroe County, which is within the District of this Court.

8. This Notice of Removal is being filed within thirty (30) days of the removing Defendants' receipt of plaintiff's Summons and Complaint.

9. Written notice of the filing of this Notice of Removal will be provided to plaintiff, and a copy of this Notice will be filed in the appropriate State Court, as required by 28 U.S.C. § 1446(d).

10. Consent to remove has been obtained from all parties served.

11. Removing Defendants demand a jury trial.

Wherefore, Defendants respectfully request that this action be removed from the Supreme Court of the State of New York, Monroe County, to this Court for all further proceedings.

Date: June 23, 2023

LYNDA S. KINGSLEY
Corporation Counsel

By: s/Patrick Naylor
PATRICK B. NAYLON, ESQ., of Counsel
Attorneys for Defendant City of Rochester
Woodward, Konrad, Soures and
Castrachini
30 Church Street, Room 400A
Rochester, New York 14614
(585) 428-6906
Patrick.naylor@cityofrochester.gov

To: ROTH & ROTH LLP
Elliot Dolby-Shields, Esq.
Attorneys for Plaintiff
192 Lexington Avenue, Suite 802
New York, New York 10016